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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,689	09/15/2003	Thomas T. Hardt	200302618-3	9782

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EXAMINER

MARSH, STEVEN M

ART UNIT PAPER NUMBER

3632

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,689

Applicant(s)

HARDT. ET AL.

Examiner

Steven M. Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the fourth office action for U.S. Application 10/662,689 for a Cable Management System and Method of Installation and Operation Thereof filed by Thomas Hardt et al. on September 15, 2003. Claims 1-33 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant claims that the flexible harness is "securable to at least one cable", but then appears to be attempting to claim limitations to the cable in line 6 of the claim. The claim does not positively recite the cable in the claim, so therefore the limitation carries no patentable weight.

Claim Rejections - 35 USC § 102

Claims 1 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,581,791 B2 to Flint et al. Flint et al. discloses a system with flexible cable harness (420) adapted to support at least one electrical cable. The harness has a flexible spine and a plurality of straps (432) secured to the flexible spine, and the harness is not adapted to conduct electricity to an electronic device. There is a first support member (428) secured to the cable harness at a first location along the

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harness, and a second support member (426) secured to the cable harness at a second location along the harness, with the harness being suspended between the first and second support members. The harness is adapted to be secured to a movable electronic device disposed within a chassis and the harness is also adapted to be secured to a chassis.

Claim Rejections - 35 USC § 103

Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braden et al. in view of U.S. Patent 5,467,679 to Schmidt. Braden et al. discloses a flexible cable harness (H) with a flexible spine (the insulation around the cables) and a first support member (222) securable to the cable harness. There is a second support member (186) securable to the cable harness and the harness is suspended between the first and second support members (only a portion of the harness is between the members, but the same is true of Applicant's harness). The first support member is wire and there is a spring-loaded first reel (224) that the first wire is wound onto. The first reel is adapted to retract the first support member on the reel and there is a biased second reel (180) that performs the same function with the second support member. The first support member is secured to the first harness at a first location (220) along the harness and the second support member is secured at a second location (at 122). The harness is adapted to be secured to a chassis or electronic device and can also be secured to at least one cable. The harness has connectors (200 and 230) operable to suspend a third and fourth portion of the cable, respectively. Claims 4-7 and 12-15

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contain limitations to the structure of the electrical cable, the rack, and the electronic device. However, the structure of those objects is not positively recited in the claims and therefore the limitations have been given no patentable significance.

The cable management system is secured by the following steps: the harness is secured to a cable; first (222) and second flexible members (186) are coupled to the harness (at 220 and 122); the first and second flexible members are coupled by connecting first and second wires from first and second reels, to first and second portions of the harness, respectively; and the harness is secured to a support housing (B) for an electronic device (and thus secured to the device).

Braden et al. does not disclose a harness with a flexible spine and straps secured to the spine. Braden et al. also fails to disclose a cable harness that is not adapted to conduct electricity to an electronic device. Schmidt discloses a strap (42) that is adapted to be wrapped around cables as a cable harness, as is common in the electrical trade (see col. 2, lines 13-19). The strap is locked in place by hook and loop fasteners (44... a self securing material). It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided straps for the cable harness taught by Braden et al., as taught by Schmidt, for the purpose of securing cables in the harness. The harness disclosed by Braden et al. is flexible, and therefore the resultant structure would comprise straps secured to a flexible "spine". The first and second support members would also be securable over the harness in the event that multiple harnesses were used.

Response to Arguments


Applicant's arguments filed September 22, 2005 have been fully considered but they are not persuasive. First, it is noted that Applicant has indicated that claims 11-16 are "means plus function" claims and include the structure described in the specification through section 112(6), and the claims will be examined accordingly. Applicant argues that because support 222 and support 186 exert a downward biasing force, it cannot be said that they support the harness. The Examiner disagrees, because the supports each are connected to the harness in such a way that allows the harness to be supported from the assembly shown in figure 2. Applicant also argues that the harness is not suspended from either component, but Applicant claims that the harness is suspended between the first and second members, not from the first and second support members.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would be obvious to use a teaching such as Schmidt for securing the cables taught by Braden et al.


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


Steven M. Marsh

January 8, 2006


RAMON O. RAMIREZ
PRIMARY EXAMINER